



**ZONING ADMINISTRATOR
NOTICE OF DECISION**

Date: July 15, 2011
Applicant: Ming Ji & Yu Qun Lai
Case No.: PCC-11-016
Address: 807 Anchorage Place, Suite 104
Project Planner: Michael W. Walker

Notice is hereby given that on July 15, 2011 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-11-016 filed by Ming Ji & Yu Qun Lai ("Applicant"). The Applicant requests a CUP to establish a small educational and tutoring center ("Project"). The Project site is located at 807 Anchorage Place ("Project Site"), owned by Gold Bridge Educational Center, LLC ("Property Owner"). The Project Site is zoned BC-1 (Business Center) by the Eastlake I Sectional Planning Area (SPA) Plan and designated Limited Industrial (IL) by the General Plan. The Project is more specifically described as follows:

The Project is an educational and tutoring center serving middle school and high school students between the ages of 11 and 18. The center offers individual and group lessons in language, math, art, SAT test preparation, and other enrichment classes. Class size will be 10 students or less for group lessons. Classes and tutoring services will be offered weekdays after school from 2:30 to 9:00 p.m. and on weekends from 9:00 a.m. to 9:00 p.m. The center's director will be the only fulltime employee, and the teaching staff will be independent contractors who will be assigned a class when enrollment has been confirmed, or they will tutor students on an as needed basis. The use will be established in an existing 1,813 sq. ft. office condominium at an existing multi-tenant building located in a business park. The center has three reserved parking spaces, and employees will share available on-site parking. Parents will be dropping off or picking up students so there will be no traffic or parking issues.

Planning staff reviewed the Project for compliance with the California Environmental Quality Act (CEQA), and has determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (Existing Facilities) in accordance with the State CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator, under the provisions of CVMC Section 19.14.030 and the Eastlake I SPA Section IV 1 G 5 (Public and Semi-Public Uses), and has conditionally approved said request based upon the following findings of facts as required by CVMC Section 19.14.080:

1. **That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The center will provide middle and high school students a variety of educational and tutoring services to enhance their growth and development in the language, math, arts and other enrichment classes. The center will provide an educational benefit to the surrounding community conducted at a convenient and accessible location providing the amenities necessary to support the use.

2. **That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The center would operate weekdays between 2:30 p.m. and 9:00 p.m. and weekends from 9:00 a.m. to 9:00 p.m. serving up to 10 students per class, and no more than 39 students and teachers will be on the premises during business hours. The classes and tutoring services will be conducted completely indoors in an existing building. The center is classified as an Administrative and Personal Services land use because it provides both small class size and personal tutoring in an office setting. The center has a floor area of 1,813 sq. ft. Pursuant to the Eastlake I SPA Plan, six parking spaces are required for the use based on the calculation of one space per 300 sq. ft. of floor area. Three spaces are currently designated for the center that will be used for employees. The center's director is the only fulltime employee, and teachers will be independent contractors teaching at the center on an as needed basis who may use on-site available parking. Parents will drop off and pick up students, which will minimize the need for available parking spaces for the center, and the afternoon, evening and weekend hours will not conflict with the parking needs for other businesses. For these reasons, the proposed use will not adversely impact the operation of adjacent businesses and will not be detrimental to the health, safety, and welfare of the persons, property and improvements in the vicinity.

3. **That the use will comply with the regulations and conditions specified in the code for such use.**

The approval of this conditional use permit is contingent on the Applicant and Property Owner's commitment to satisfy all conditions of approval and to comply with all applicable regulations and standards specified in the Municipal Code. The Applicant has committed to implement and satisfy all conditions of approval for the proposed use, and will comply with all applicable City zoning regulations. The conditions of this permit are approximately in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use.

4. **That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.**

The use is in conformance with the City of Chula Vista General Plan and Eastlake I Business Center Sectional Planning Area (SPA) Plan. More specifically, the proposed use conforms to the Chula Vista General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-11-016, as described above subject to the following conditions and operational modifications:

I. The following conditions of approval shall be satisfied prior to issuance of the building permit for the project:

- 1 The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Applicant or Authorized Agent

Date

Building Conditions:

- 2 The Applicant shall comply with the 2010 California Building Code (CBC), California Mechanical Code (CMC), California Plumbing Code (CPC), California Electrical Code (CEC), California Fire Code (CFC), 2008 California Energy Code, the Green Building Ordinance (CVMC 15.12) and all other locally adopted City and state requirements

II. The following conditions shall be satisfied prior to occupancy:

Fire Conditions:

- 3 The Applicant shall provide one fire extinguisher for every 3000 square feet and 75 feet of travel in any direction.

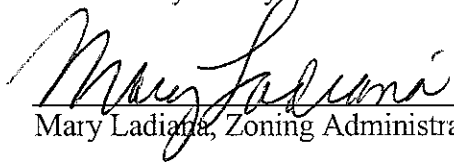
III. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

- 4 The Applicant shall maintain and operate the Project in accordance with the approved plans for PCC-11-016, date stamped approved on July 15, 2011, which includes a site plan and architectural elevations on file in the Planning Division, the conditions contained herein.
- 5 The Applicant shall maintain the Project as originally constructed for the duration of this Conditional Use Permit entitlement. Failure to comply with this condition shall be sufficient

grounds to revoke this Conditional Use Permit, or impose additional conditions as deemed appropriate by the Zoning Administrator.

6. Complaint(s) regarding this project alleging violation of the Municipal Code or conditions of approval of this Conditional Use Permit, which have been formally submitted to the Code Enforcement Division, but which have not been resolved to the satisfaction of the Director of Development Services, will cause this use permit approval to be reconsidered pursuant to C.V.M.C. Section 19.14.270. This procedure may result in a public hearing before the City Zoning Administrator to consider continuance, modification, revocation, or payment of applicable fines, as determined by the Zoning Administrator.
7. The Applicant shall operate the business weekdays between 2:30 p.m. and 9:00 p.m. and weekends from 9:00 a.m. to 9:00 p.m.
8. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant /Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant /Operator's successors and assigns.
9. This Conditional Use Permit authorizes only the use specified in the application for PCC-11-016. Any new use, modification/expansion of use, or activities not authorized under this Conditional Use Permit shall be subject to the review and approval of the Zoning Administrator.
10. This conditional use permit shall expire on July 15, 2016 five (5) years from the date of this Zoning Administrator approval. The Applicant may request an extension 30 days prior to expiration date from this conditional use permit approval. The Zoning Administrator shall review this use for compliance with the conditions of approval and any applicable codes and regulation, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied or extended.
11. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA, CALIFORNIA,
this 15th day of July 2011.



Mary Ladiana, Zoning Administrator